

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cr-116-RJC-SCR**

UNITED STATES OF AMERICA,)	<u>ORDER OF CONTINUING GARNISHMENT</u>
Plaintiff,)	
))	
v.)	<u>ORDER OF CONTINUING GARNISHMENT</u>
))	
))	
KIMBERLY ARNELL CURETON,)	<u>ORDER OF CONTINUING GARNISHMENT</u>
Defendant,)	
))	
and)	<u>ORDER OF CONTINUING GARNISHMENT</u>
))	
))	
BLYTHE CONSTRUCTION INC.,)	<u>ORDER OF CONTINUING GARNISHMENT</u>
Garnishee.)	
))	

THIS MATTER is before the Court on the Answer of Garnishee Blythe Construction Inc.

Judgment in the criminal case was entered on February 11, 2015. (Doc. No. 87 at 1). As part of that Judgment, Defendant Kimberly Arnell Cureton was ordered to pay an assessment of \$100.00 and restitution of \$100,195.26 to the victims of the crime. *Id.* at 4.

On January 3, 2024, the Court entered a Writ of Continuing Garnishment (“Writ”) as to Garnishee Blythe Construction Inc. (See Doc. No. 133.) Defendant was served with the Writ and Instructions notifying her of her right to request a hearing on January 6, 2024. Garnishee was served with the Writ and Instructions on January 8, 2024. Garnishee filed an Answer on February 12, 2024, stating that at the time of service of the Writ, Garnishee had in its custody, control, or possession property or funds owned by the Defendant, including non-exempt, disposable earnings. (Doc. No. 136 at 1-2.) Garnishee certified that it served the Answer on Defendant on February 6, 2024. Id. at 3. Defendant did not request a hearing on the matter, and the statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$90,341.57 computed through January 2, 2024. Garnishee shall pay Plaintiff United States of America up to the lesser of:

1. twenty-five percent (25%) of Defendant's disposable earnings which remain after all deductions required by law have been withheld, or
2. the amount by which Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage.

See 15 U.S.C. § 1673(a). Garnishee shall continue payments until the debt to Plaintiff is paid in full, or until Garnishee no longer has custody, possession, or control of any property belonging to Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

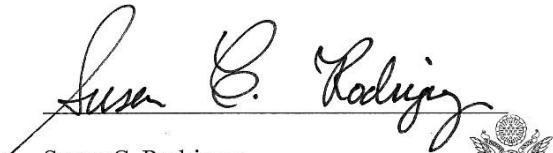
To ensure that each payment is credited properly, the name of Defendant Kimberly Arnell Cureton and Court Number DNCW3:13CR116-004 should be included on each check.

IT IS FURTHER ORDERED that Garnishee shall advise this Court if Defendant's employment is terminated at any time by Garnishee or Defendant.

IT IS FURTHER ORDERED that Plaintiff shall submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: March 19, 2024



Susan C. Rodriguez
United States Magistrate Judge

